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February 7, 2025

Via ECF

The Honorable Judge John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

**APPLICATION GRANTED
SO ORDERED**

2/10/25 *John G. Koeltl*
John G. Koeltl, U.S.D.J.

Re: *NCR Voyix Corporation v. Embarcadero Technologies Europe Limited*; Case No. 1:24-cv-04458-JGK

Dear Judge Koeltl,

We represent defendant and counterclaim plaintiff Embarcadero Technologies Europe Limited (“Embarcadero”), and we write, pursuant to Rule VI(A)(2) of Your Honor’s Individual Practices, to respectfully request that the Court seal Embarcadero’s motion for extensions of the fact discovery and dispositive motions deadlines (the “Motion”). The Motion includes, among other things, references to nonparties to this litigation that are plaintiff and counterclaim defendant NCR Voyix Corporation’s (“NCR”) customers (the “Nonparties”). Specifically, the Motion discusses Embarcadero’s belief—deriving from referenced documentary evidence and deposition testimony—that the Nonparties took certain actions in violation of the operative agreements between Embarcadero and NCR.

Out of an abundance of caution, Embarcadero seeks to redact specific references to the Nonparties’ identities and conduct so as to avoid publicly identifying and implicating third parties to this lawsuit. Indeed, “the privacy interests of innocent third parties . . . should weigh heavily in a court’s balancing equation.” *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995).

Accordingly, Embarcadero respectfully requests that the Court seal the Motion and permit Embarcadero to publicly file a redacted version of the Motion removing references to the Nonparties’ identities and conduct in the Motion. Contemporaneous with this application, Embarcadero is separately filing (1) a public, proposed redacted Motion and (2) under seal, an unredacted version of the Motion with the proposed redactions highlighted in accordance with the Court’s Individual Practices.

Embarcadero met and conferred with NCR about this application to file sealed materials, and the proposed redactions narrowly tailor the scope of the request while still protecting the confidential information.

We thank the Court for its attention to this matter.

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Respectfully Submitted,

/s/ Christopher A. DeGennaro

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